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PATENT
Attorney Docket No. 3495.0111-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bernard DUJON et al.

Serial No.: 09/244,130

Filed: February 4, 1999

Group Art Unit: 1633

Examiner: KAUSHAL, S.

For: NUCLEOTIDE SEQUENCE ENCODING THE ENZYME I-SCEI AND THE USES THEREOF

Commissioner for Patents
Washington, D.C. 20231

Sir:

SECOND DECLARATION OF ANDRE CHOULIKA

I, Andre Choulika, declare that:

1. I have read and understood application Serial No. 09/244,130, including the pending claims, and on information and belief copies are attached hereto as Exhibit 1.

2. I am an inventor of the subject matter claimed in application Serial No. 09/244,130.

3. I am currently President and CEO of Cellectis SA, Paris, France.

4. A Group I encoded endonuclease site is about 18-40 bases in size.

5. Endonucleases specific for Group I encoded endonuclease sites do not exist naturally in mice.

6. A Group I encoded endonuclease site does not express any gene product.

7. Based on the properties of Group I encoded endonuclease sites described in paragraphs 4-6, the presence of a Group I encoded endonuclease site in a transgenic mouse should not have any specific negative effect on the phenotype of the transgenic mouse.

8. Generating wild type transgenic mice containing an endonuclease site without any specific effect on the phenotype of the transgenic mice would have been predictable prior to applicants' earliest priority date, May 5, 1992, and would have required no more than routine screening at that time.

9. Transgenic mice containing I-*Sce* I, I-*Dmo* I, and I-*Cre* I Group I encoded endonuclease sites have been successfully generated at Cellectis SA.

10. The transgenic mice generated at Cellectis SA comprising I-*Sce* I, I-*Dmo* I, and I-*Cre* I Group I encoded endonuclease sites have a wild-type phenotype.

11. Based on success obtained in generating transgenic mice containing I-*Sce* I, I-*Dmo* I, and I-*Cre* I Group I encoded endonuclease sites, it is my opinion that wild-type transgenic mice containing other Group I endonuclease sites can be successfully generated.

12. Based on literature available prior to applicants' earliest priority date, May 5, 1992, once a chimeric mouse containing a Group I encoded endonuclease site was generated from ES cells, generation of an animal having germline transmission of the Group I encoded endonuclease site would require no more than routine screening.

13. The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing therefrom.

Dated: May 17th, 2002

By: _____
Andre Choulika